

REMARKS

In view of the following remarks it is respectfully submitted that all of the presently pending claims are allowable and reconsideration is respectfully requested.

Status of the Claims

Claims 25 to 60 are pending in the present application. Claims 1 to 24 were cancelled by previous amendment, without prejudice or disclaimer of the subject matter contained therein. Claims 25-49 and 51-60 have been rejected. Claim 50 has been objected to, but indicated as being allowable.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 25 to 34, 53 and 55 to 60 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,256,507 ("Lemieux"). Claims 40, 41, 43 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Lemieux and U.S. Patent No. 6,236,623 ("Read"). Claims 52 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Lemieux and U.S. Patent No. 6,157,957 ("Berthaud"). Claims 44, 46-49 and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Lemieux, Read and Berthaud. Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Lemieux, Read and non patent literature cited in the IDS ("Mills-I"). Claims 35 to 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Lemieux and non patent literature cited in the IDS ("Mills-II"). Claim 39

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was rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Lemieux and U.S Patent No. 5,694,537 ("Montenegro").

It is respectfully submitted the presently pending claims are patentable for at least the following reasons.

In Lemieux, a star network type topology is provided with synchronization information radiating from a centralized primary reference source. A global positioning system (GPS) is provided at each node in the network. Lemieux, column 1, lines 53 to 56. In the event the global positioning system primary reference source fails, the primary reference source for the network synchronization system is changed to a local clock within a mobile switching center. Lemieux, column 1, lines 61 to 65.

As noted in the Office Action, (item 1, page 2), Lemieux describes three modes of operation where each mode is associated with a primary reference clock having a different stratum of accuracy. In the event of a clock source failure or a degradation in timing tolerances, a synchronization system 12 switches to a different mode of operation where a different respective source is utilized as the primary reference source. *See* Lemieux, column 5, line 36 to column 6, line 64.

Claims 25 and 53 of the present application recite "a plurality of first time sources associated with a first measuring computer" and "selecting, using the first measuring computer, a third time source of the plurality of first time sources as a function of an accuracy of the third time source." It is respectfully submitted that Lemieux does not teach or suggest these features of claims 25 and 53. In contrast, Lemieux merely describes a system having predetermined

operational modes each having a respective source (GPS, local clock, PSTN pulse code modulation timing) for a primary reference clock. In the event of a degradation or a failure of the current primary reference clock source, the operational mode is switched. *See* Lemieux, column 5, lines 39-61; column 6, lines 1-8; column 6, lines 36-42. Thus, each alternative primary reference clock sources is utilized based on the operational mode selected upon a degradation or a failure. The clock sources are not selected as a function of their accuracy, as recited in the claims. Nowhere does Lemieux teach or suggest a plurality of first time sources associated with a first measuring computer and selecting, using the first computer, a third time source of the plurality of first time sources *as a function of an accuracy of the third time source*, as recited in claims 25 and 53.

Read, Bertheaud, Mills-I, Mills-II and Montenegro are not relied on for disclosing the above-recited features of claims 25 and 53. Indeed, it is respectfully submitted that Read, Bertheaud, Mills-I, Mills-II and Montenegro, whether taken alone or in combination, do not teach or suggest at least these features of claims 25 and 53. Because Lemieux, Read, Bertheaud, Mills-I, Mills-II and Montenegro, whether taken alone or in combination, do not teach or suggest at least the features of a plurality of first time sources associated with a first measuring computer and selecting, using the first computer, a third time source of the plurality of first time sources as a function of an accuracy of the third time source, as recited in claims 25 and 53, it respectfully submitted that these references, whether taken alone or in combination, could not anticipate or render obvious claims 25 and 53, or any of their dependent claims. Accordingly, withdrawal of

the respective rejections of claims 25 to 49 and 51 to 60 under 35 U.S.C. §§ 102(b) and 103(a) is respectfully requested.

CONCLUSION

In view of the foregoing it is believed that the presently pending claims are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

No fees are believed to be due with the filing of this response. In the event of a fee discrepancy, please charge any fees due in connection with this filing to Deposit Account No. 04-0100 referencing Docket No. 20811/0204737-US0.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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